

**CITY OF TAKOMA PARK, MARYLAND
(ADOPTED 11/8/04)**

**SPECIAL SESSION & WORKSESSION
OF THE CITY COUNCIL**

Tuesday, February 17, 2004

OFFICIALS PRESENT:

Mayor Porter

Councilmember Austin-Lane

Councilmember Barry

Councilmember Elrich

Councilmember Mizeur

Councilmember Seamens

Councilmember Williams

City Manager Finn

City Clerk / Treasurer Waters

ECD Director Daines

Senior Planner Inerfeld

Recreation Director Haiduven

The City Council convened at 7:41 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

PUBLIC COMMENTS

Dan Robinson, Grant Avenue, admitted he was confused in looking through materials outlining where we are in terms of the community center budget. In looking ahead to the 4th of July parade, he would hope that the Council members get out of their cars and walk in the parade. This would be a good “show” in terms of environmental support.

SPECIAL SESSION

1. Resolution re: Modifications to State Voting Machines.

Mr. Elrich introduced and explained the resolution. A study was done of the State voting system. The results determined the Maryland system has flaws. There is criticism that the State paid too much for the machines. Diebold is claiming that it would cost a lot to upgrade the machines. We should let the Board of Elections know via a letter that we anticipate a large number of persons in the City to request a paper receipt of vote.

Ms. Porter suggested that the Council could let the Board of Elections know that we expect people to make this request and ask how these voters will be accommodated.

Moved by Elrich; seconded by Austin-Lane.

Mr. Williams asked if there has been discussion of other forms of back-up? Is there any other

way of having a redundancy other than a paper receipt? It would be nice at some point to get away from paper.

Mr. Elrich noted that the discussion has focused on the paper trail.

Ms. Porter said there are two issues of verification: the voter verifying that a machine recorded what they intended to do; and how to conduct a paper recount. It would involve two pieces of paper.

Mr. Elrich commented on election tampering.

Ms. Porter said there was the potential of tampering when there was a paper system. She expressed support for this resolution, commenting that a verifiable paper trail would help guard against mis-programming.

Mr. Barry suggested substituting the word “mature” for “sophisticated” in the sixth Whereas clause.

Ms. Mizeur questioned whether the word “flawed” should be in the second to last Whereas clause.

Ms. Porter suggested substituting “vulnerable.”

Nellie Moxley, Pinecrest, referred to SB 393 language which involves a duplicate paper trail (one for the voter and one retained in some other form).

Alain Thery, Erie Avenue, questioned what type of paper evidence will be provided to the voter.

Mr. Elrich replied that a paper receipt does not reflect who the voter cast a ballot for.

Resolution #2004-10 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

RESOLUTION #2004-10 (Attached)

2. Resolution re: CVS Store Sign.

Moved by Austin-Lane; seconded by Williams.

Ms. Austin-Lane reported that she met with CVS officials a couple of weeks ago. They turned off the electronic scrolling sign in response to community concerns. She asked them to lower the current sign height. They could not commit to lowering the sign, but said that they would put

together a proposal. They requested evidence of public sentiment. She responded by putting together a compilation of e-mails she has received. Ms. Austin-Lane referred to the February 2004 Newsletter and the articles that share the page with an article about the sign. She shared with the officials pictures of a CVS in Charleston and their much more tasteful sign configuration. She noted that she also took pictures in Charlotte. She would like to see CVS erect a more tasteful sign. She noted that Historic Takoma, DC representatives, Old Town Carroll Association, OTBA and the Old Takoma Residents Association are all reviewing the situation. She will be talking to the Takoma Foundation about the plan to have CVS participate as a good neighbor by supporting the community center. She suggests mentioning the Carroll Avenue streetscape and Main Street application in the cover letter.

Mr. Williams said he has heard from many people about this matter. Today in Annapolis he heard concern from some State legislators.

Mr. Seamens said he wonders whether the Council should ask them to work with us on a more appropriate sign design and placement, suggesting “....removing the above referenced sign and working with neighboring communities for an appropriate replacement” be added in the Resolved clause.

Bruce Moyer, Westmoreland Avenue, commented that his association supports the resolution. At their December meeting they voted to communicate with CVS in mid-January, asking that they turn off and dismantle the sign. CVS has temporarily agreed to the first request, but have not decided on the second. He wants a sign more consistent with the aesthetics of the surrounding community.

Alain Thery asked what the difference was between the CVS sign and the Mason sign? What is criteria for rejection? The Council should be setting policy.

Ms. Austin-Lane commented that it may seem inconsistent that we are taking issue with this sign, but given that both of the subject properties are in DC, we are partnering with the discussion that has been raised by DC residents. It is important for us to be sensitive to the concerns of the DC residents.

Alain Thery said we have to set criteria. We have to treat similar situations fairly. I am not defending CVS. It seems that it is a decision focused on a commercial entity.

Ms. Porter noted her concern about the flashing and scrolling red sign.

Dan Robinson announced that there is a public forum scheduled for February 18 in the Council Chambers regarding the Main Street initiative.

Sabrina Baron, Historic Takoma, said she is glad that the Council is taking a position. She sent a letter to DC Councilmember Adrian Fenty’s office supporting this movement.

Nellie Moxley recalled the history of discussions to keep a drug store in the City. The red flashing sign is not good. She suggested that the City encourage a drug store to move into the City. She commented on the value of competition.

Ms. Porter clarified that there are a number of pharmacies in the City. She noted one in Takoma-Langley.

Mr. Williams reiterated the point made last week about the flashing red sign and the confusion it causes with the traffic signal. It is a distraction.

Ms. Austin-Lane replied that in terms of the Mason building, their addition was discrete enough that it was under the radar. She did hear some concerns but not until later after installation. We are responding to the public with tonight's action.

Ms. Mizeur said she recalled when CVS came in. Didn't they make some type of pledge to work with the community on concerns?

Ms. Austin-Lane replied that this was accurate. In a meeting with regional officials, the officials heard from CVS that they were concerned about community perception. The sign has been inappropriate from the beginning. We want them to be a good neighbor.

Resolution #2004-11 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

RESOLUTION #2004-11
(Attached)

WORKSESSION

3. Old Town Parking Facility.

Ms. Daines noted that agenda items #3 and #4 (MOU - Urciolo Properties) are related and she explained that tonight she will provide an overview of the plan for community input and will then go over the MOU.

Mr. Inerfeld reported that the outreach plan is a three step process described in the agenda item materials. He will meet with various groups, present a couple of different conceptual designs, and talk about some of the design features. Mr. Inerfeld will take input from the sessions and come back at a community-wide forum to solicit additional input. He will then present all of the input to the Council. John Urciolo will also be receiving feedback about the commercial facility that he is proposing for Laurel Avenue. This input will also be presented to the Council. Then the process of working with historic organizations will begin. The Historic Preservation Commission will hold a hearing. He said he will be putting conceptual designs on the City web site.

Mr. Williams noted that one component of outreach should include the Westmoreland Area Community Organization (WACO) to address their concerns about stormwater.

Mr. Inerfeld mentioned that Mr. Urciolo has a contracted engineer working on this issue

Ms. Daines added, if we progress to the next stage of working with Mr. Urciolo to develop the garage, we will address the stormwater issues.

Ms. Austin-Lane asked if the adjacent property owner been contacted?

Mr. Inerfeld replied that he has attempted to contact them but has not heard back. They have been very unresponsive.

Ms. Austin-Lane emphasized that it was important to send a certified letter to notify them of the project. She suggested individuals who may be able to assist.

Ms. Daines said that Kirchiro is aware of what is going on. The church and the businesses in the area will be included in the outreach efforts. At some point in the future, it may be worthwhile to explore long-term leasing opportunities for area businesses. We have contacted some of those mentioned by Ms. Austin-Lane.

Ms. Austin-Lane said she thinks that now is the time to provide notification to all area groups.

Mr. Inerfeld said he will advise them of the community-wide forum.

Mr. Seamens asked Mr. Inerfeld if he was working with Adrian Fenty and his office about outreach?

Ms. Daines replied no, but we have worked with them on the Transportation Study.

Mr. Williams said he wants to ensure that the various entities like HPC have the proper entities on record for their notifications.

Mr. Inerfeld said he has been in touch with community outreach at M-NCPPC so that we can correct any mistakes in their list.

Mr. Seamens said it was important to invite Mr. Fenty to coordinate the outreach on the DC side.

Ms. Porter asked if any contacts had been made with these groups already?

Mr. Inerfeld replied yes. If our meeting date does not work for a specific organization, we will arrange a separate time to meet with their membership.

Ms. Mizeur requested that Mr. Inerfeld inform the Council of the details for the forum. She

would like to share the information with her constituents.

4. Memorandum of Understanding (MOU) - Mr. Urciolo Properties.

Ms. Daines said she is looking at developing two documents that would run on parallel tracks, one to start later after additional information is made available. Right now, she is not sure what makes sense from an engineering and feasibility standpoint. She thinks it is somewhat premature to enter into a full agreement. She proposes to approach an agreement in two steps. She has pulled out elements from a document previously reviewed by the Council that relates to pre-development steps and has commented on each one. Mr. Urciolo is in agreement with this and the proposal before you has been submitted to him for consideration. Through the outreach effort we would discuss design features and provide input back to the Council. Mr. Urciolo would also be responsible for incurring all costs and permits associated with the pre-development work. We want to ensure that the City is not entering into anything that would require additions to the funds that have already been identified for the facility. The facility would be available for general public use. Mr. Urciolo has assumed financial responsibility for the entire project with the exception of the equipment needed to meter the garage. The City would not be in danger of getting billed for anything that takes place during this phase of the process (pre-development costs). After permits have been secured, construction costs would be Mr. Urciolo's responsibility. The City would repay him at 0% interest through revenues generated over whatever period necessary. The repayment stream is dependent on the revenue from the structure (after maintenance costs to the City). This would also include a provision that after we have completed payments, the City would have option to purchase the facility at the construction cost and then explore a long-term lease agreement.

Ms. Austin-Lane asked how the MOU was developed? She wanted more context for the give and take between the City and private interests.

Ms. Daines reported that they have held numerous meetings over the past two years with staff and Mr. Urciolo. She has talked with other governmental representatives who see this as a good deal for the City. There is no risk to the City. The City has no financing costs. She has not seen the loan agreement from the State, so she cannot quote the language. From a financial standpoint, there is no risk. Cost over-runs would be paid by Mr. Urciolo and paid over time by the City based on the revenue stream.

Ms. Austin-Lane expressed concern that they do not have the loan agreement or a design for the structure. She noted that the facility would be operated and maintained by the City. If something were to fall through, would we have to pay back the State?

Ms. Porter noted that the staff is seeing this in two stages (first look at the project, cost figures, design features, etc.). Staff would then come back to the Council with hard numbers and a real design.

Ms. Daines affirmed the comment. This also gives the property owner a chance to evaluate his

investment in the project. The City will not incur any costs over the engineering costs to get to that point.

Mr. Elrich mentioned he is still really uneasy about the revenue projections. We were successful in getting the State grant, but we still do not see any numbers. One of the risks is that the revenue will not cover operating costs. The City will have to put money aside in a sinking fund to cover things like periodic resurfacing. If we generate more revenue by leasing spaces, we would then be maintaining the parking deficit in Old Town. Without better operating and expense numbers, this is a slippery slope. We need to see his building design and weigh it against parking requirements.

Ms. Daines responded that these are all issues that will be addressed through this process. Things are developing and evolving. I want to get to the point where we can come back with more hard numbers. Ms. Daines said she recognizes the desire for hard numbers.

Mr. Elrich asked if this is such a good deal, why isn't Mr. Urciolo keeping the parking revenue. He said he does not understand why this project did not go through the regular development review process. Mr. Urciolo should take the project through the right process and then bring in the City at the appropriate point in the discussion.

Ms. Daines replied that we wanted to give the community and Council greater input up front in the process.

Ms. Porter said she believes there is a conjunction of interest in terms of parking. The earlier we get involved the better we can shape the project.

Ms. Porter observed, we are agreeing to participate in this process up front.

Mr. Seamens commented, we need more specific information that Mr. Urciolo expects will be presented to the Council before the Council commits to the project.

Ms. Daines said this MOU is an agreement to participate in the project for pre-development.

Ms. Mizeur asked if City Attorney reviewed the MOU.

Ms. Daines replied the City Attorney seems comfortable with the concept.

Ms. Mizeur said she needs additional information before final decision. She said she hopes that we will focus on making sure that the City will have some sort of say in how this facility is structured. She wants to be on top of reviewing the entire process. "Financially feasible" is open to interpretation. She wants to evaluate whether it is a smart project.

Ms. Daines agreed, all of those things need to be taken into consideration.

Ms. Mizeur asked what is the time line?

Ms. Daines said it is roughly five months for this process.

Ms. Mizeur asked, do we know what parameters he has for what would or would not make this project work for him? Shed some light on our natural suspicions about why this offer is such a good deal to the City.

Mr. Urciolo declared that he thinks that a private/public partnership is the best way to make a project like this work. He said he is getting concerned that the cost will be excessive and whether he will be able to finance it. He explained that he will front the costs for the design drawings. Then he wants to come back to the Council with a cost for the project. He will have an independent accountant review the costs of the parking facility and the building construction. Mr. Urciolo would ensure that the City will only be paying its portion of the project. He will probably still build the building even without a garage.

Ms. Mizeur asked, do you envision your private construction piece to be open for community discussion?

Mr. Urciolo said he will present a vision for the building at discussions about parking. He has some ideas about how he would like to see the building.

Ms. Porter inserted, there are Historic Preservation Commission requirements about building design. The building would be up for hearing before HPC and the M-NCPPC.

Mr. Urciolo replied that the whole idea is to get community input up front to avoid all of the concerns coming out at a hearing.

Ms. Mizeur asked Mr. Urciolo to share his reasons for optimism that he would recoup any revenues back from the City.

Mr. Urciolo said this is based on the City enforcing parking. The City has to do its part.

Ms. Mizeur asked him what else would need to go into the final memorandum.

Mr. Urciolo replied he was very optimistic that this will generate revenues for the City.

Ms. Mizeur asked what are your expectations of costs in this pre-development phase?

Mr. Urciolo replied \$75,000.

Ms. Mizeur wanted to know if these were staff costs?

Ms. Daines replied that it would depend on the work that is put into formulating the summary of

input.

Mr. Elrich said this is only a process document. It needs to have language that the City has the sole discretion to determine whether this is beneficial to the City.

Ms. Daines asserted that would be the next stage. The legal document will include the escape clauses for both the City and Mr. Urciolo.

Mr. Elrich asked Ms. Daines to re-circulate all of the parking data for the benefit of the new Councilmembers.

Ms. Mizeur asked what in this document gives Mr. Urciolo comfort that he should go forward with a \$75,000 obligation?

Mr. Urciolo replied that he has the option at any time to pull out if he decides that it is not a good project.

Mr. Finn clarified that staff put this forth based on prior direction from the Council. Council wanted assurance of full public involvement. The MOU will embody the requests that have been made by the Council.

Ms. Porter commented that she is more comfortable with where we are now. Rather than proceeding on the best estimates and analysis we can do, we are going to proceed with the pre-development analysis before either party commits. This will give us some harder figures on the cost side. She said she is most concerned about the revenue numbers. She wants to have an understanding of how leasing, enforcement, and other aspects are managed.

Ms. Austin-Lane offered, the public money that has already been invested is about \$40,000?

Ms. Daines explained that about \$60,000 of prior years of Community Legacy monies went toward the transportation study. For the engineering study, we have spent about \$40,000. The total is about \$100,000 related to the overall analysis.

Ms. Austin-Lane asked when will the report be made available to the Council?

Ms. Daines replied it is being developed in stages. Right now we have map of the changes in the slope on the lot.

Ms. Austin-Lane asked if it something that would help us in our decision making?

Mr. Urciolo replied that they only have a topographical map at this point. This was necessary to determine whether the garage construction would even be feasible. The garage can be built with minimal size retaining walls which make the construction feasible. As we really start to build the garage on paper, we will get more information from the engineer. The engineer is looking at

the stormwater concerns. We went on sight during rain and looked at the Carlton site. Right now, the only cost was put into the topographical report. The stormwater study will be of more interest.

Ms. Austin-Lane asked why is the MOU being put in front of the Council at this point? Is there a reason why the Council needs to comment on the proposed parameters?

Ms. Daines answered that we want to be sure that it includes all of the provisions desired by the Council. It will streamline the process about what steps everyone will have over the next five months.

Ms. Porter responded that it sounds like there is not a legal necessity for an MOU. It would set forth the steps for the preliminary period. Putting it down on paper is a way to track the process.

Mr. Urciolo commented that Council expressed criticism of staff for not having things in writing.

Ms. Porter said that the staff is therefore attempting to address that criticism.

Ms. Austin-Lane expressed concern with the clause on the second page regarding operation and maintenance of the garage. This point would seem finalized by signing the MOU.

Ms. Daines replied if the City were to proceed with the project as proposed, the initial assumption would be that it be a public facility for which the City provides maintenance and operation. A final decision would be made after more information is presented.

Ms. Austin-Lane confirmed that the operational assumptions would be contained in the second document.

Mr. Urciolo stated that this is also an opportunity to provide a public update on the project. However, there is no commitment in a final agreement for garage. This also provides direction to staff to continue to assist with the project.

Ms. Austin-Lane said she was very pleased to see the outreach plan.

Ms. Porter concluded that the MOU will come back to the Council on March 8, assuming that the Council is comfortable with the general direction.

Ms. Daines added that this will allow both parties to address concerns and the opportunity “not to proceed.” The City and Mr. Urciolo will add language, and will provide the Council with information from subsequent discussions.

5. Community Center Construction.

Ms. Porter announced that during this portion of the meeting we will first hear all of the

presentations and hold questions until the end.

Mr. Williams asked how long will we discuss this item?

Ms. Porter replied as long as the Council wants.

Mr. Finn presented a packet of information in an attempt to answer, in a written format, some of the questions put to staff . He expressed thanks for the Council's indulgence in scheduling the item. We did not have the rendering pictures until now (where we started out versus what the design now looks like). When looking back through the minutes and Council notes related to the community center, it goes back to February 19, 2003. It started out that night looking at the five bids that came in. All were higher than what we had anticipated. No final decisions were made that night. Larry Abell explained the problems with the stormwater issues. Council gave direction to staff and asked Mr. Abell to go back to the County and see what could be done to reduce the stormwater costs. Also, they asked him to go back to the contractor to do some value engineering for the project. Mr. Finn noted the return discussions. There was quite a bit of time between receipt of bids and the final contract. The reason for the delay was the stormwater concerns. Mr. Finn offered to provide copies of the minutes and notes that provide an account of the project.

Larry Abell, Architect provided a recap of how we came to this point in the process. He met extensively with the citizens group to develop a concept design. There has been a lot of water over the dam since the start of the discussion. He worked with citizen group, sub-groups, the Library and Police Department to address problems that were being identified. Additionally, other problems arose, concerning stormwater and outside agencies. We tried to put together a master plan that would serve the City for five to seven years. We donated to the City something in excess of \$250,000 in addition to design fees. We didn't want to get into a situation where five years from now you try to implement a program and find that you cannot make it happen. The second picture I have for your review this evening is a rendering of what is currently in the budget. It allows for future additions to the site. None of us knew or planned for the 100 year flood plain that was identified in front of this building. Mr. Abell described the building. He commented about the elevator shaft that is included in the design, without the elevator because it is not budgeted. We have included a second floor of the media center and the shell for the delivery plaza on the lower level. Mr. Abell continued with an explanation of the differences in the two plans (original and current). He remarked about the new facade. (See "General Overview of the Present Contract Scope" and "Exterior Differences between Concept Elevation and Final Plans.") We did everything that we could to incorporate all of the community desires. These things are still possible – it is a matter of dollars.

Mr. Williams expressed that he wants a clear sense of the new schematic of the retaining wall near the library (6 foot wall). What is elevation change of the wall on the front of the site? He noted the security plaza and how it would later interface with the gym.

Larry Abell responded that the original effort was to make feasible the relocation of the police

cells from main level to lower level.

Mr. Williams asked what is the security plaza and what will it become?

Mr. Abell replied that the only thing that is missing is the green roof component and the gazebo.

Mr. Williams inquired, how did we end up with the ugly plaza to the right versus the previously planned plaza in front of the building?

Mr. Abell said the plaza became necessary because of the community desire for the gym as a priority. In terms of the flood wall, he described the variances in the grade. The wall had to be continued around the library face. He explained further reasoning. He added it was required by the County.

Mr. Elrich confirmed that there is no 6 foot wall along Philadelphia Avenue.

Mr. Abell said that if you are in the parking area, you would be looking up at a nine foot wall in some areas. He noted the flood gates at the entrance. They are about six feet high and would only be seen from the entrance to the lot.

Ms. Mizeur noted that the drawing looks extremely different. She said many of the elements that the community rallied around and supported have been changed. She is concerned that this design is being presented as agreed upon changes in the design.

Larry Abell clarified that they have operated with a citizens' committee throughout this process. There is a stack of drawings about one and a half inches thick. We went through the drawings with everyone.

Ms. Mizeur asked about the changes that are in the new renderings. Are those changes (no elevator, no landscaping, different atrium, more Victorian facade) agreed upon by the original citizen groups?

Mr. Abell said he tried extremely hard and donated his firm's time in trying to capture the desires of the community. We didn't do anything without some kind of direction. There were others who met with us along the way.

Ms. Mizeur said she was not questioning his intent or good efforts to work with the community. She wants to better understand how they got to the new design. What happened to force changes?

Larry Abell replied that the original concept drawing was developed after a month of work with the community.

Ms. Mizeur asked if there wasn't sufficient thought and planning of costs at the time of the

concept drawing?

Larry Abell answered that there were unanticipated costs (agency requests, soil issues, stormwater, etc.). There were many things.

Mr. Seamens expressed that he has been very supportive of the community center since the beginning of the discussion. He is just trying to gain information through this discussion. Not to be critical of Mr. Abell. When you were making design changes to get to this point, who did you work with and who agreed to the changes to get to this point?

Mr. Finn replied, we brought the information back to the Council and presented three options to proceed with the project before signing the contract with the lowest bidder. The Council approved the retaining wall which changed some of the front landscaping. In the plan, we asked the architect to identify what it would cost to put the plaza back into the project.

Mr. Elrich acknowledged that we didn't know that we were losing the plaza

Mr. Seamens inquired, who was making the decisions about the design?

Mr. Finn said, we moved forward with the wall and the loss of the plaza was a consequence.

Mr. Elrich clarified, we didn't have the money to develop Drawing #1. We knew that we were getting the retaining wall and the flood gates, but not that we were losing the plaza. People should have known earlier in the process about these radical design changes.

Ms. Porter asked what would it take to put the plaza back in the plan?

Mr. Abell pointed out that the information was in the package (\$534,032). You could probably just put the deck in for \$291,000 (without the green roof, pavers and landscaping). We tried to do a green roof in the original plan. The budget doesn't allow it. He displayed the rendering of the facade around the library which also changes the overall look and said he can also overlay what it would look like to put the plaza back in the plan.

Mr. Seamens pointed out that the renderings are fine as they do illustrate what Mr. Abell is describing. He then asked several questions.

Larry Abell further clarified that skylights will not be in the flat roof behind the entrance tower.

Mr. Seamens asked, will the security parking area have any functionality? How many spaces? Will there be an entrance to the lower level?

Mr. Abell replied, yes, possibly eight spaces.

Mr. Seamens asked, how do you envision the City retrofitting the cabling without the conduits in

the wall?

Doug Norway replied that the conduits will be in the wall, but cabling will not be put in the ceilings until needed.

Mr. Seamens asked a question about the upper level layout. Will it be unusable space under the current contract?

Mr. Abell said yes.

Mr. Elrich inquired, when was the upstairs addition put in the project? Did anyone know about this?

Larry Abell said it has been part of the project throughout.

Mr. Norway clarified that the upper space is usable for workspaces but not currently funded for closed off offices.

Mr. Seamens asked, what is happening with the interior areas? It seems that nothing is happening to get the inside ready for occupancy and use.

Mr. Abell went on to say that there was a proposal to change the Council Chambers to make a theater; but funding is not available. There had been different plans to link the building to the library. If it is Council's desire to get into the interior, he would package his in a little different way. He could prepare some exhibits to illustrate the design. He could take the floor plans and show more detail about what is taking place. He saw tonight's discussion to be a presentation of what is happening on the exterior. He wanted the Council to understand how things can be added over a period of time. We think that the more current drawing can look very much like the original picture.

Ms. Porter stated, assuming it will not cost a lot of money, she would like to see a rendering with the plaza. The big thing that makes the building considerably different is the absence of the plaza. She asked about the estimate for putting the plaza back into the project.

Mr. Abell said he would be for coming back in after completion of the project to develop the plaza.

Ms. Porter asked, if the figures would be less if we were to put the plaza back into the project now? Is there a window of time to make this decision?

Mr. Abell said it should be less. He would have to talk to the contractor.

Ms. Porter noted that we will know our funding situation from the State by mid-April.

Larry Abell said he would talk to the contractor and come back with information.

Ms. Porter said it is worth finding out about our options.

Mr. Seamens said one option might be to do the concrete work and later put in the green work.

Mr. Finn referred to the original bid sheet that was provided to the Council. All of the “alternates” were not part of the bid. The Council made the decision to take out the alternates. The only thing that was kept in the design were the conduits to support the full security system. The only thing that the Council approved as part of the bid was the low bid for the basic building, the revised sewer system with the wall, the Philadelphia sewer adjustments, and the security system (pulled-out and repriced). There were directions from the Council that we could not do more in the contract than what was available to fund.

Mr. Williams asked about the facade on the library side.

Mr. Finn clarified it was an alternative but not funded. We would have to sign a contract to add that back in. A date for that decision will come up soon. I would come back to the Council on that.

Ms. Mizeur asked for clarification about the concept rendering that went out with the RFP. If we had not asked for this briefing tonight, when would we have been made aware of these changes to the design? There are a significant amount of things that have been changed. She said she is not confident that the citizens committee would agree to the changes. Ms. Mizeur said she was certain that the environmentalists would have concerns about the absence of landscaping and green roofs. This madness has to stop at some point. We need to be fully informed of the evolution of the project. We were in Annapolis today with the original concept rendering. The input that we’re getting from the community relates a lot of frustration. What can we do in terms of communication to better relate changes to the project? The project is a total, absolute mess.

Ms. Porter said she was at a new Council orientation when she saw the plans that were more consistent with the building on the right. The conceptual renderings are very helpful. The plans without the plaza have been there without a picture. She said she had no idea of how it would look without a picture. We have been talking to people without the rendering. We have not done a good job of presenting people with a visual picture. The point is well taken that we need to do a better job of getting people a picture.

Mr. Seamens said he used the original rendering presented at the Council orientation. Design changes were not pointed out. Some of the changes were explained as we toured the site. He read comments made in the Takoma Voice about the facade that were totally inaccurate. Residents in the community have been misled about where this project is going.

Ms. Austin-Lane said she agrees with Ms. Mizeur. She said she finds most compelling that many of these new questions were asked; former Councilmembers took for granted the design

that was understood. She said she is glad that we are at this point. In the future, we need to have better oversight of this project on a day-to-day basis.

Mr. Williams said he has a set of plans because asked for them. He has been reading them and talking to people about them. He knows how to read plans. There are things in the plans that he would not have pictured. He did not equate the plaza with the green roof. He thinks that the plaza was one of the biggest selling points for the project. It was his understanding that Council had put back in the facade around the Library. To see that it was the first alternate to come up was a bit surprising. Due to this he feels that he misled some people in the recent past; therefore he has some things to fix.

Mr. Barry said that one issue is the communication problem which he hopes to resolve in the next couple of weeks. We have three different renderings. We should have a unifying theme between all elements. We should correct them by putting back in the plaza and the library facade.

Mr. Elrich pointed out that the bottom line is that to correct this, we will require more money. We cannot have any further changes without pictures being provided to the Council. Changes often take place due to money constraints. This leaves people feeling misled in the end. He doesn't disagree with Mr. Barry's comment about adding back in the plaza and facade, but we will need additional funds. Council made a decision not to borrow more money. If people had understood the trade-offs, maybe they would have paid for it. We need to think hard about how we do things in the future.

Mr. Seamens said he may not have disagreed with the decisions that have been made, but just wishes he had known. Everyone has done a good job moving the project forward but we need to better communicate the changes to the public.

Mr. Finn referred to the financial information included in the package. He provided a brief explanation of revenues and expenditures.

Ms. Austin-Lane referred to the memo and the financial analysis. She expressed concern with page 2 II (c)(1), where the memo indicates that the City is paying \$40,000 to the contractor to hold the prices constant until April 1, 2004.

Mr. Seamens questioned the estimated annual operating costs. He distributed a memo of his notes and questions. He questioned the total cost for the complete "vision" project.

Mr. Finn requested that the Council discuss the next elements to fund. We know that the gym is the next element for funding. There was a plan for this room that is not funded.

Mr. Seamens said he did not see information about the amount of money for each phase. It would be helpful to understand the phases.

Mr. Finn clarified that there are not really any phases now. Phase I is what is taking place now. Phase II will be the gym.

Mr. Seamens questioned whether there are restrictions on the use of certain monies.

Mr. Finn said the Federal money has to be used for the learning center. The Program Open Space funds have to be used for specific areas on the recreation level. When we switched the Community Development Block Grant (CDBG) funds for general funds, it took away restrictions. The \$300,000 that was committed early on was for the administrative space.

Ms. Porter asked about the cost for administrative space?

Mr. Finn replied that it is approximately \$360,000.

Ms. Porter clarified that this amount is to be taken from City general funds.

Mr. Williams further clarified that the money was allocated early in the process.

Mr. Seamens said he wanted his list of questions entered into the record. [Attached.] Overall, he really appreciates all of the information presented tonight. He feels much more comfortable with the project and would like to see the gym built. He didn't mean to make anyone feel uncomfortable tonight, but has been frustrated in this process. He thinks there have been times when he may have misled his constituents because of the information he received.

Mr. Finn commented that the rendering presented tonight has been very helpful. We will do more visuals as we proceed.

Ms. Mizeur observed, as we look at the revenue chart, we should recognize that the federal level has not provided as much funding. She said she is working on a discussion with Senator Mikulski's office about a federal appropriation. It might be helpful to start approaching County Executive Duncan about getting our project on the federal wish list. She thinks we could get more from federal government.

Ms. Porter said he very much appreciates Ms. Mizeur investigating the federal side. She thinks that approaching Mr. Duncan as part of the Thursday, Maryland Municipal League Chapter meeting is a good idea.

Ms. Porter commented on the rough operating costs for the new community center, noting that we will only be budgeting for half of the fiscal year in 2005. She said she would also like to see the full year costs.

Mr. Finn said the Recreation Department will be using primarily part-time staff members. Costs are more stable without all of the benefits.

ADJOURNMENT

The Council adjourned at 11:29 p.m. for the evening.